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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TRANSMITTAL  
FORM**

*(to be used for all correspondence after filing)*

Total number of Pages in this submission 14

Application Number	10/051,320
Filing Date	January 18, 2002
First Named Inventor	H. Michael Shepard
Group Art Unit	1646
Examiner Name	Unassigned
Attorney Docket No.	NB 2018.00

Box: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> FEE TRANSMITTAL FORM	<input type="checkbox"/> ASSIGNMENT PAPERS (FOR AN APPLICATION)	<input type="checkbox"/> AFTER ALLOWANCE COMMUNICATION TO GROUP
<input type="checkbox"/> FEE ATTACHED	<input type="checkbox"/> DRAWING(S)	<input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES
<input type="checkbox"/> AMENDMENT/RESPONSE	<input type="checkbox"/> LICENSING-RELATED PAPERS	<input type="checkbox"/> APPEAL COMMUNIATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF)
<input type="checkbox"/> AFTER FINAL	<input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION)	<input type="checkbox"/> PROPRIETARY INFORMATION
<input type="checkbox"/> AFFIDAVITS' DECLARATION(S)	<input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION	<input type="checkbox"/> STATUS LETTER
<input type="checkbox"/> EXTENSION OF TIME (2-MONTH)	<input type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS	<input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) <i>(PLEASE IDENTIFY BELOW):</i>
<input type="checkbox"/> EXPRESS ABANDONMENT REQUEST	<input type="checkbox"/> TERMINAL DISCLAIMER	<input type="checkbox"/> COPY OF NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, CERTIFICATE UNDER 37 C.F.R. § 3.73 (b) W/COPY OF JOINT ASSIGNMENT, UTILITY DECLARATION, PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY AND RETURN POSTCARD
<input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449	<input checked="" type="checkbox"/> SMALL ENTITY STATEMENT	
<input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S)	<input type="checkbox"/> REQUEST FOR REFUND	
<input checked="" type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION		
<input type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533		
<input type="checkbox"/> ISSUE FEE TRANSMITTAL	REMARKS:	
<input type="checkbox"/>		
MCCUTCHEON, DOYLE, BROWN & ENERSEN LLP THREE EMBARCADERO CENTER, SUITE 1800 SAN FRANCISCO, CA 94111 TELEPHONE: (650) 849-4050 FACSIMILE: (650) 849-4800		DATE: MARCH 20, 2002 BY: <i>Antoinette Konksi</i> ANTOINETTE F. KONSKI (REG. NO. 34,202)

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on this date: March 20, 2002.

By: Peggy Nichols

Name of person signing: Peggy Nichols

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PTO/SB/17 (09-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **FEE TRANSMITTAL FOR FY 2002**



Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**

(\$ 65.00)

<b>Complete If Known</b>	
Application Number	10/051,320
Filing Date	1/18/2002
First Named Inventor	H. Michael Shepard
Examiner Name	Unassigned
Group Art Unit	1648
Attorney Docket No.	NB 2019.00

## **METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

50-1189

Deposit Account Name

McCutchen Doyle Brown & Enersen LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

## **FEE CALCULATION**

1: **BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1) (\$)**

2. **EXTRA CLAIM FEES**

Total Claims	- 20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 3** =	x	= \$	
Multiple Dependent			= \$	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	"Reissue independent claims over original patent
110	18	210	9	"Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)**

\*\* or number previously paid, if greater; For reissues, see above.

3. **ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$65.00)**

Complete (if applicable)

**SUBMITTED BY**

Name (Print/Type)	Antoinette E. Konski	Registration No. (Attorney/Agent)	34,202	Telephone	(650) 849-4950
Signature				Date	March 20, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

MAR 28 2002

Docket No. NB 2019.00

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[ ] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to Box: Missing Parts, Commissioner for Patents, Washington D.C. 20231.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: March 20, 2002 Name of Person Certifying: Peggy Nichols  
Printed Name: Peggy Nichols

COPY OF PAPER  
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Michael Shepard, et al.

Filing Date: January 18, 2002

Examiner: Unassigned

Serial No.: 10/051,320

Group Art Unit: 1646

Title: METHODS TO TREAT AUTOIMMUNE AND INFLAMMATORY  
CONDITIONS

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

Submission of Missing Parts of Application Under 37 C.F.R. 1.53

Sir:

In response to the Notice of Missing Parts of Application mailed on February 14, 2002, enclosed are the following items for filing in the above-referenced U.S. Patent Application:

- Declaration and Power of Attorney [4] page(s)  
Payment for surcharge for late filing  \$65.00 small entity  \$130.00 large entity
- A Petition for Extension of Time. (three- months), [2] page(s) Fee \$
- Applicant(s) claim Small Entity Status under 37 CFR § 1.27.
- Copy of Notice of Missing Parts of Application dated February 14, 2002.
- Request for Refund under 37 CFR 1.28(a) for the overpayment of the filing fee and surcharge.
- Return Postcard.
- Other: Certificate Under 37 C.F.R. § 3.73(b) w/copy of sole assignment.

TOTAL FEES: \$65.00

Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.

Check in the amount of \$ \_\_\_\_\_, Check No. \_\_\_\_\_ to cover the Total Fees due is enclosed.

Please charge the above fee(s) to Deposit Account No. 50-1189, Docket No. 23896-7110, in the amount of \$65.00 to cover the above fees. *A duplicate copy of this sheet is attached.*

The Commissioner is hereby authorized to charge payment of any additional fees due or credit any overpayment to Deposit Account No. 50-1189, Docket No. 23896-7110. *A duplicate copy of this sheet is enclosed.*

Having now complied with all of the requirements of 37 C.F.R. 1.53, applicant respectfully requests that this application be placed upon the files for examination.

Date: March 20, 2002

Respectfully submitted,

By:   
Antoinette F. Konski  
Registration No. 34,202

McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4950  
Telefax: (650) 849-4800



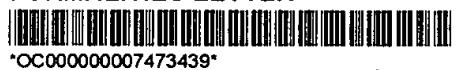
## UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 28 2002

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/051,320	01/18/2002	H. Michael Shepard	NB 2019.00

CONFIRMATION NO. 8000  
**FORMALITIES LETTER**



\*OC00000007473439\*

McCutchen, Doyle, Brown & Enersen LLP  
 Suite 1800  
 Three Embarcadero Center  
 San Francisco, CA 94111

Date Mailed: 02/14/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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 04/01/2002 HMBRZ11 65.00 CH  
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